

Voter Fraud Hearing - Volume 2

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1 that that equaled fraudulent voters. Do you share
2 that belief?

3 ANN MCGEEHAN: I have no reason to
4 think that those voters are fraudulent.

5 REPRESENTATIVE ANCHIA: Okay. Okay.
6 What happens to the voter registration certificate
7 if this bill's passed in its current form?

8 ANN MCGEEHAN: It continues to exist,
9 and so it will be sent out and it will now contain
10 information on the identification requirements. And
11 then voters who are 70 -- 70 as of January 2012 and
12 the voters that have the disability exemption, they
13 will be able to use their certificate as their forms
14 of I.D.

15 REPRESENTATIVE ANCHIA: Okay. But it
16 will be sent to all registered voters. Right?

17 ANN MCGEEHAN: Yes.

18 REPRESENTATIVE ANCHIA: We have
19 13 million, roughly, 12 --

20 ANN MCGEEHAN: A little under
21 13 million today.

22 REPRESENTATIVE ANCHIA: 12.6, 12.6?

23 ANN MCGEEHAN: Yeah. Yeah.

24 REPRESENTATIVE ANCHIA: What --
25 what -- what other functional purpose would it

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1 serve? I mean, if you're not -- if you're not 70,
2 you don't have the disability exemption.

3 ANN MCGEEHAN: I guess at this point
4 it's going to serve more as a -- an informational
5 tool to the voter. It will tell them what districts
6 they're registered in, you know, which Congressional
7 district, which State Senatorial District. I think
8 there's five districts that have to be districts on
9 the certificate.

10 Tell them their county election precinct
11 number, which might help them find out where they
12 need to go vote. So I guess it would be more for
13 the voter's benefits and information.

14 REPRESENTATIVE ANCHIA: An
15 alternative approach that we've discussed many times
16 in this committee is simply adding a person's
17 picture to the voter registration certificate and --
18 which would be a pretty easy fix. I think it -- the
19 technology certainly exists. I mean, we might want
20 to import some late 1990 -- '80s technology to -- to
21 implement that very simple act, I mean, through a
22 bubble jet printer or something like that, if you
23 can find those.

24 Have you done a feasibility analysis on
25 that approach as opposed to this approach?



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1 ANN MCGEEHAN: I think there's one or
2 two bills filed this session that kind of play that
3 kind of approach. So I think we've tried to do some
4 research to -- for purpose of responding to the
5 fiscal note as to what they would take.

6 REPRESENTATIVE ANCHIA: Because it
7 seems to me that would be the easiest fix here, just
8 to add someone's photo. And there will be a
9 universe of people who don't have a photo on file.
10 Right? So if it was possible, for example, to work
11 with Commander Deese (phonetic) at DPS and merge the
12 TDL database photos down and -- and do a match
13 with -- with the HABA-compliant --

14 ANN MCGEEHAN: Right.

15 REPRESENTATIVE ANCHIA: -- statewide
16 voter registration database, and then you dump down
17 the State I.D. photos, the non-TDL photos --

18 ANN MCGEEHAN: Uh-huh.

19 REPRESENTATIVE ANCHIA: -- and then
20 you dump down maybe a CHL universe, you -- you --
21 you probably hit a pretty significant number. It
22 wouldn't be complete. I mean, you would have to
23 have some sort of mechanism at the polls to gather
24 people's photos or an outreach. But can you --
25 we've had these suggestions around for a couple



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1 sessions now. Can you talk about some of the -- the
2 opportunities there or the challenges?

3 ANN MCGEEHAN: You know, we've --
4 we've done some preliminary analysis. I think the
5 effort there would -- would be one of, you know,
6 equipment and whether it would be the State issuing
7 these cards or whether it would be the county,
8 whether we'd give the -- you know, if -- if the
9 State wanted to fund the county to have the
10 equipment necessary to capture the pictures for
11 those people that aren't --

12 REPRESENTATIVE ANCHIA: Sounds like
13 we have HABA funds for this, though. Right?

14 ANN MCGEEHAN: Well, HABA funds --
15 HABA, you know, has certain express purposes. Voter
16 education is one. I don't think we could use HABA
17 to implement voter I.D.

18 REPRESENTATIVE ANCHIA: Say that
19 again.

20 ANN MCGEEHAN: Well, HABA had -- has
21 very express requirements in the federal law.

22 REPRESENTATIVE ANCHIA: But you just
23 said you don't think you can use HABA funds to
24 implement voter I.D.

25 ANN MCGEEHAN: Well, meaning what

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1 you're talking about, to take people's pictures --

2 REPRESENTATIVE ANCHIA: So you could
3 use it to implement a photo I.D. regime, but you
4 couldn't use it to add people's photos to a voter
5 registration certificate?

6 ANN MCGEEHAN: We could look at
7 that -- at the language of the bill more closely.
8 But, you know, the main mandates of HABA were
9 provisional voting, voting system, security. We
10 could -- you know, maybe -- maybe it's more broad
11 than I'm thinking.

12 We've been very cautious with the HABA
13 funds and try to make sure we're in compliance with
14 what -- the Federal Election Systems Commission. It
15 would be curious to see if Georgia or Indiana use
16 that money -- HABA monitor [sic] that portion of
17 the -- of their implementation of voter I.D.

18 REPRESENTATIVE ANCHIA: Ms. Wang
19 talked about a vote-saving affidavit approach to
20 preventing people from being disenfranchised under
21 a -- a photo I.D. regime. Other states have it.
22 And Idaho, by way of example, has a photo I.D.
23 regime, but at the same time allows persons who are
24 unable to comply to -- to offer up a vote-saving
25 affidavit that says they are the person on the card.

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1 And, typically, the penalty for that is aggravated
2 perjury, is it not, if you bust an affidavit related
3 to an election --

4 ANN MCGEEHAN: Yes.

5 REPRESENTATIVE ANCHIA: -- and -- and
6 the penalty for that is two to ten years in jail, is
7 it not?

8 ANN MCGEEHAN: That sounds about
9 right.

10 REPRESENTATIVE ANCHIA: \$10,000 -- up
11 to \$10,000 fine.

12 ANN MCGEEHAN: Yes.

13 REPRESENTATIVE ANCHIA: And don't we
14 have an affidavit currently in -- for people who --
15 because let me back up a step.

16 We have a photo -- we have a voter I.D.
17 standard in Texas today, don't -- do we not?

18 ANN MCGEEHAN: Yes.

19 REPRESENTATIVE ANCHIA: It's our
20 voter registration certificate.

21 And when you cannot comply with that --
22 with that voter registration certificate
23 requirement, you can use other forms of I.D. like a
24 driver's license. Correct?

25 ANN MCGEEHAN: Yes.



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1 REPRESENTATIVE ANCHIA: And when
2 you -- when you use that driver's license, you sign
3 an affidavit, do you not?

4 ANN MCGEEHAN: Yes.

5 REPRESENTATIVE ANCHIA: And that's
6 contained in the poll book, is it not?

7 ANN MCGEEHAN: Right.

8 REPRESENTATIVE ANCHIA: What does
9 that affidavit say?

10 ANN MCGEEHAN: It's the voter saying
11 they don't have their voter registration
12 certificate, essentially.

13 REPRESENTATIVE ANCHIA: But there are
14 other things. Right?

15 ANN MCGEEHAN: For the affidavit?

16 REPRESENTATIVE ANCHIA: Yeah.

17 ANN MCGEEHAN: Yeah. There are
18 several affidavits.

19 REPRESENTATIVE ANCHIA: You -- you
20 haven't voted previously in this election, et
21 cetera. Correct?

22 ANN MCGEEHAN: Uh-huh, yes.

23 REPRESENTATIVE ANCHIA: Okay. And if
24 the standard is -- is flipped and suddenly you have
25 a photo -- a photo I.D. requirement, what would

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1 be -- a Voter Registrar affidavit look like?
2 Because currently if you can comply with the voter
3 requirement, you can give an alternative form of --
4 of identification, which may or may not be a photo
5 I.D. If you go to a photo I.D. regime, what would a
6 vote-saving affidavit look like, so that people who
7 otherwise would comply, could comply, who are
8 eligible to vote do not get their votes rejected?

9 ANN MCGEEHAN: Well, we -- we could
10 look at, you know, what some of the other states
11 have done with respect to that. Michigan, for
12 example.

13 REPRESENTATIVE ANCHIA: Ohio.

14 ANN MCGEEHAN: Ohio. I think I heard
15 Florida earlier today.

16 REPRESENTATIVE ANCHIA: Right, right.
17 But that would prevent people from being
18 disenfranchised if they could not comply with this,
19 as you said, major change in state law?

20 ANN MCGEEHAN: Yeah. I mean, that
21 would be -- that's a policy call for the
22 Legislature, but...

23 REPRESENTATIVE ANCHIA: Right.

24 What's the standard for match in this
25 bill? I show up, my hair's longer. I saw Ramey Ko

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1 today. His hair's longer than two years ago when he
2 testified. Sometimes people look differently --

3 ANN MCGEEHAN: Uh-huh.

4 REPRESENTATIVE ANCHIA: -- I mean,
5 photo I.D.s are good for 10-year periods in some
6 cases. Right?

7 ANN MCGEEHAN: Right, right.

8 REPRESENTATIVE ANCHIA: Didn't know
9 it. Ten years later, I look pretty different than I
10 did ten years ago.

11 What's the -- what's the -- what's the
12 standard for a visual identification?

13 ANN MCGEEHAN: I don't know that the
14 bill has -- has -- has a -- has a standard
15 necessarily. It says that -- that -- that -- the
16 language basically says that the documentation
17 establishes, I think, they're identity.

18 REPRESENTATIVE ANCHIA: From the
19 proof presented. Correct?

20 ANN MCGEEHAN: From the proof, yes.
21 So that would clearly be an area that we would need
22 to address that training.

23 REPRESENTATIVE ANCHIA: Ultimately,
24 it's subjective. Right? The poll worker is given
25 the opportunity to either confirm or deny the

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1 identity. Right?

2 ANN MCGEEHAN: Right.

3 REPRESENTATIVE ANCHIA: And there's
4 no guidance in the bill to tell us --

5 ANN MCGEEHAN: Right. To --

6 REPRESENTATIVE ANCHIA: -- how to --

7 ANN MCGEEHAN: Right. To a certain
8 extent that is an issue today. If a -- if a person
9 shows eye -- they don't have their certificate and
10 they don't show their driver's license, other I.D.
11 is authorized. And there's similar language in the
12 current law about, you know, establishing
13 identification from the -- from the identification
14 providing. But I think that would be something we
15 would need to address in training. And we would
16 certainly look to some of the other states that have
17 implemented already and try to borrow some best
18 practices.

19 REPRESENTATIVE ANCHIA: Do you know
20 how other states approach this?

21 ANN MCGEEHAN: I do not, not today.

22 REPRESENTATIVE ANCHIA: Okay. That's
23 it. Thank you, Mr. Chairman.

24 REPRESENTATIVE HARLESS:

25 Mr. Chairman, I have one follow-up question.



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1 You just got through mentioning about --
2 and -- and we all concerned [sic] about the
3 discretion. Section 63.010 talks about the
4 documentation proof of identification. Currently,
5 the poll worker has that discretion. You all would
6 just define those standards differently. Is that
7 correct?

8 ANN MCGEEHAN: Right. I think we
9 would address it specifically in our training.
10 Right now, that's not specifically addressed in our
11 training.

12 REPRESENTATIVE HARLESS: (Inaudible)
13 poll worker (inaudible).

14 ANN MCGEEHAN: That's correct.

15 CHAIRMAN BONNEN: Any other
16 questions, Members? Thank you. Appreciate your
17 being here.

18 Members, is there any desire to bring up a
19 resource witness from the Department of Public
20 Safety Driver's License Division? Okay.

21 Rebecca Davio from the Department of
22 Public Safety testifying neutrally on the Committee
23 Substitute Senate Bill 14.

24 REBECCA DAVIO: Good afternoon,
25 Chairman Bonnen, Members. My name is Rebecca Davio,

TEXAS HOUSE OF REPRESENTATIVES
82ND LEGISLATURE
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